Remarks

Claims 1 to 15 were pending. By this Amendment, claims 4 and 5 were cancelled and claims 1, 6, 14, and 15 were amended. No new matter has been added thereby and accordingly entry of the amendments is respectfully requested. Claims 1 to 3 and 6 to 15 are now pending and before the Examiner.

The Examiner rejected claims 1 to 13 as allegedly anticipated under 35 U.S.C. § 102(e) and claims 1 to 15 as allegedly unpatentable under 35 U.S.C. § 103(a) over Friedl *et al.* (U.S. Patent Publication No. 2005/0089575).

In response, applicants have amended the claims and maintain that such amendments overcome the Examiner's rejections and Friedl *et al.* does not anticipate amended claims 1 to 3 and 6 to 13 under 35 U.S.C. § 102(e) nor render amended claims 1 to 3 and 6 to 15 obvious.

Friedl *et al.* does not teach or suggest the use of "poloxamers having an average molecular weight of about 2000 to 12000", as the pending claims require. The claimed invention is based on the finding that the speed and extend of dissolution of the active agent telmisartan is unexpectedly improved by combining a basic agent and a poloxamer. Thus, in a test dissolution assay (pH 4.0) more than 75% of 40 mg telmisartan was dissolved after 30 minutes if in the presence of 40 mg meglumine and 4% poloxamer Pluronic 68, while less than 50% was dissolved in the same time period in the same formulation lacking the poloxamer. After 60 minutes, in the presence of poloxamer about 80% of telmisartan had been dissolved, whereas in the same time period, in the absence of poloxamer, only 55% had dissolved. Friedl *et al.* does not teach, suggest, or hint at such an unexpected and valuable advantage of the claimed invention.

It should also be noted that Friedl *et al.* consider surfactants and emulsifiers as optional and not essential excipients, because the manufacturing process of Friedl *et al.* relies on spray-drying. The compositions described in Friedl *et al.* are unsuitable for the simpler fluid bed granulation process. Thus, the preferred amount of surfactant (0.05-1%) mentioned in Friedl *et al.* at paragraph [0058] is quite different from the preferred amount according to the present invention. Furthermore, the hygroscopicity of the tablets made according to the instant claims are very low up to 80% RH. In contrast, the hygroscopicity of the tablets made

according to Friedl *et al.*, even in low RH conditions, which is an advantage for handling the tablets and provides a significant product and marketing advantage. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejections.

Applicants submit that all the pending claims are allowable and respectfully solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 13, 2006.

Timothy X. Witkowski
Registration No. 40,232

12-13-2006
Dated

Respectfully submitted,

Timothy X. Witkowski
Registration No. 40,232
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road/P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 798-4310
Facsimile: (203) 798-4408